

For periods of military leave in excess of thirty (30) days, the Town may request appropriate documentation, which can be used to establish the employee's basic eligibility for protection under Federal and State law.

B. Compensation and Benefits During Military Leave:

An employee who is on excused leave from work to attend inactive duty training (drills) or annual military training as part of the reserve corps of any branch of the armed forces of the United States shall receive any differential between the employee's regular pay and that received by the employee for military duty for the first thirty (30) days of leave in a calendar year. An employee who exceeds thirty (30) days of military leave in a calendar year shall be placed on an unpaid military leave for the duration of the leave in that calendar year. The thirty (30) day pay differential shall not apply to active duty call-ups or other military duty.

An employee shall continue with all benefits for up to thirty (30) days of military leave in a calendar year. An employee who exceeds thirty (30) days of military leave and is placed on unpaid leave may continue group medical, prescription and dental benefits for a period of up to eighteen (18) months provided that the employee make arrangements with the Department of Human Resources to pay the full cost of such benefits. The required payment for such benefits must be received in the Department of Human Resources by the 15th day of the month for the following month's coverage. In the event that payment is not received by the 15th day of the month the employee will be notified that benefits will be terminated at the end of the calendar month. In the event the employee does not elect to continue medical, prescription and dental benefits the Town will reinstate the employee's health care coverage immediately upon the employee's return to work.

An employee, at his or her sole option, may request to use unused accrued vacation during periods of unpaid military leave. The Town cannot require an employee to use vacation leave. An employee on military leave who elects to charge such leave against vacation accruals shall be treated for purposes of benefits in the same manner as an employee who is on vacation leave (continuing all active employee benefits).

An employee who is placed on an unpaid military leave of absence pursuant to this policy (leave in excess of thirty (30) days) shall maintain their membership in the Retirement System pursuant to the terms of Section 180 (d) and (e) of the Town Charter.

C. Return from Military Leave:

An employee is eligible for reemployment rights if he /she meets the following criteria:

i) The employee must hold a position that has a reasonable expectation of continuation indefinitely or for a significant period.

ii) The employee must give notice to the Town that he/she is leaving for military leave as proved in “A” above (unless such notice is precluded by military necessity or security concerns).

iii) The employee must be released from service under “honorable conditions”.

iv) The employee must report back to work as defined below:

- For a period of military service of up to thirty (30) consecutive days, the employee must report back to work for the first full regularly scheduled work period on the day following the completion of the period of military service; his or her safe transportation home and a break of at least eight (8) hours;

- For a period of military service of thirty-one (31) to one hundred eighty (180) consecutive days, the employee is to submit to the employer an oral or written application for reemployment no later than fourteen (14) days after the completion of the period of military service;

- For a period of military service of one hundred eighty one (181) days or more, the employee must submit an application for reemployment not later than ninety (90) days after completion of the period of service.

An employee who does not comply with the return to work requirements may forfeit his/her reemployment rights pursuant to Federal law and the Town’s established policies and procedures on retuning from a leave of absence. (Pursuant to USERRA these rules may be extended under certain conditions to accommodate an employee convalescing from a service-connected injury or illness).

E. Compensation and Benefits Upon Reinstatement:

Upon reinstatement the employee shall be returned to Town employment as follows:

i) Military service of less than ninety-one (91) days – to the position the employee would have held had he or she remained continuously employed, so long as the person is qualified or can become qualified after reasonable efforts by the Town; or if the employee cannot become qualified, in the position the employee was employed on the date of the commencement of the military leave.

ii) Military service of ninety-one (91) or more consecutive days – the same as “i” above or a position of like seniority, status and pay so long as the employee is qualified; or if the employee cannot become qualified, in the position the employee was employed on the date of the commencement of the military service or a position which nearly approximates that position.

The employee’s seniority as well as any benefits based on length of service (e.g, longevity, vacation accrual, etc.) will accrue as if he/she had been on the job working during the period(s) of military service.

Upon the employee’s return to work, the Town will reinstate the employee’s health care coverage immediately with no waiting periods and no conditions. All other benefits as provided by the appropriate collective bargaining agreement and the Town’s policies will be reinstated upon reemployment.

The employee, pursuant to USERRA, will have a period of time to make up “missed” contributions to the Town’s 401-k plan or 403-b plan for which the town will make up the appropriate Town match. Under USERRA, that period must be equal to at least three times the period of the employee’s uniformed service except that such repayment may not exceed five (5) years.

D. Limitations:

Military leave, paid or unpaid, shall not exceed five (5) years throughout the employee’s service with the Town.

E. Additional Information

Questions concerning this policy or military leave in general should be directed to the Department of Human Resources.